

#561
1 BILL NO. Z-94-04-07

2 ZONING MAP ORDINANCE NO. Z-04-94

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. J-7.

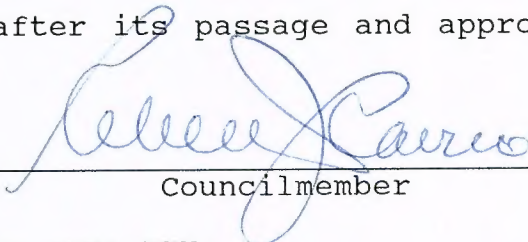
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an M-1 (Light Industrial) District under the terms
9 of Chapter 157 Title XV of the Code of the City of Fort Wayne,
10 Indiana of 1974:


11
12 All of Lot #5 in Hohnhausen's Subdivision, as recorded in
13 the Office of the Allen County Recorder, Plat Book 14,
14 Page 29.

15
16 and the symbols of the City of Fort Wayne Zoning Map No. J-7,
17 as established by Section 157.016 of Title XV of the Code of
18 the City of Fort Wayne, Indiana are hereby changed
19 accordingly.

20
21 SECTION 2. That this Ordinance shall be in full force
22 and effect from and after its passage and approval by the
23 Mayor.

24 
Councilmember

25 APPROVED AS TO FORM AND LEGALITY:

26 
27 J. TIMOTHY MCCAULAY, CITY ATTORNEY
28
29
30
31
32

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of
_____, at _____ o'clock
_____, M., E.S.T.

DATED: 4-12-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Six Juntas,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE				<u>✓</u>
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-10-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)

(SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. 2-04-94

on the 10th day of May, 19 94

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Clitus R Edmonds
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 11th day of May, 19 94,
at the hour of 11:00 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of May,
19 94, at the hour of 11:30 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. No Fee
 DATE FILED March 17, 1994
 INTENDED USE Light Industrial

THIS IS TO BE FILED IN DUPLICATE

I/We Fort Wayne Common Council
 (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an M-3 District to a/an M-1 District the property described as follows:

All of Lot #5 in Hohnhausen's Subdivision, as recorded in the Office of the Allen County Recorder, Plat Book 14, Page 29.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3216 Brooklyn Avenue

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

See attached declaratory resolution R-34-93; this rezoning request is being done by

Common Council.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
 (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

Pat Fahey, Senior Planner

Rm #830/1 Main St / City 02

427-1140

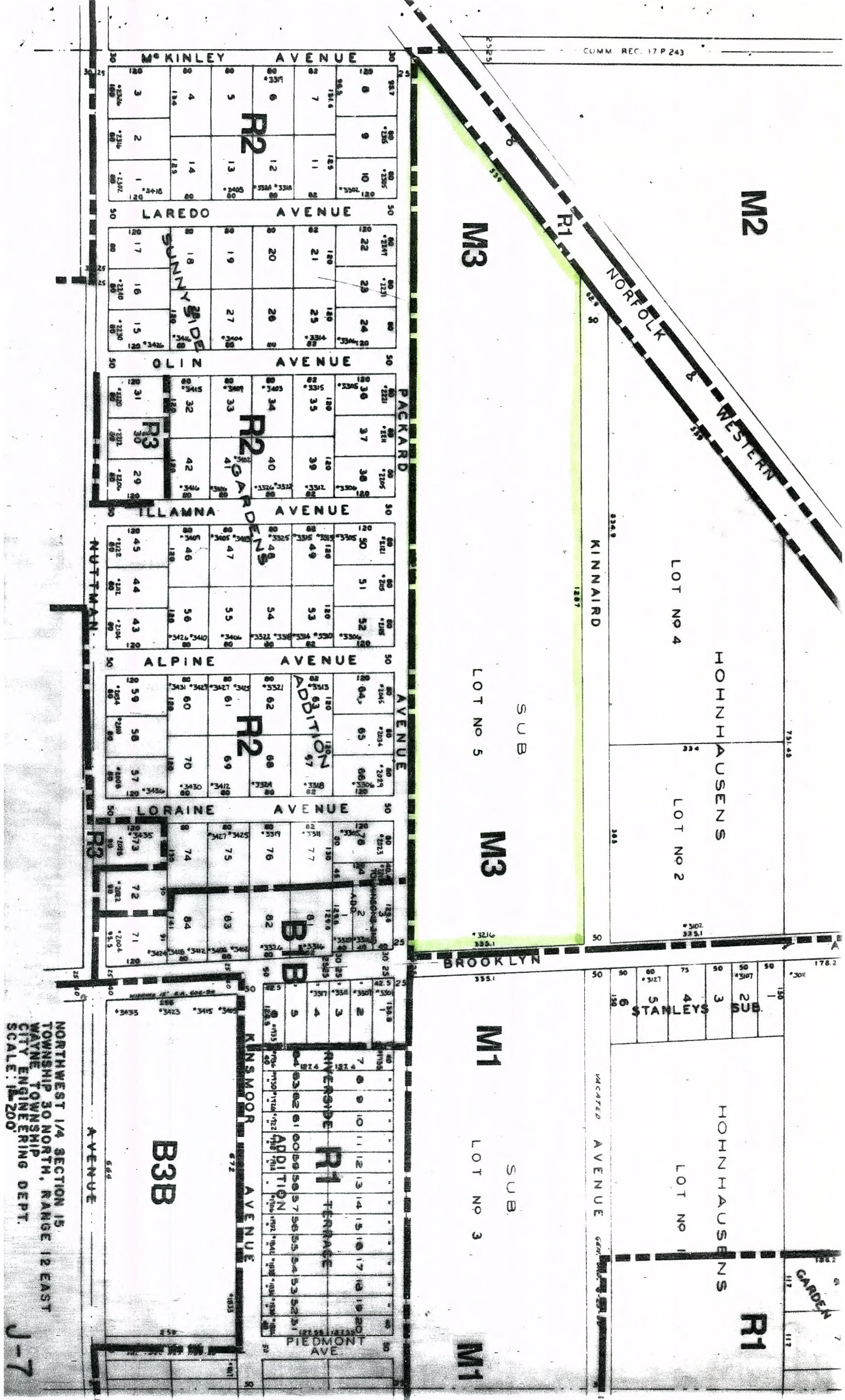
Land Use Management, C&ED

(Address & Zip Code)

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
 and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
 Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



NORTHWEST 1/4 SECTION 15
TOWNSHIP 30 NORTH, RANGE 12 EAST
WAYNE TOWNSHIP
CITY ENGINEERING DEPT.
SCALE: 1" = 200'

BILL NO. R-9³~~4~~-05-20

DECLARATORY RESOLUTION NO. R-34-93

A DECLARATORY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA OUTLINING THE NEED FOR THE PROPERTY, PREVIOUSLY OCCUPIED BY TRIPLE CROWN, INC., COMMONLY KNOWN AS 3216 BROOKLYN AVENUE, TO BE REZONED.

WHEREAS, the subject property, commonly know as 3216 Brooklyn Avenue is zoned M-3 (Heavy Industrial) as defined by the City of Fort Wayne Zoning Ordinance; and

WHEREAS, the Indian Village single-family residential subdivision is located in close proximity to the subject property; and

WHEREAS, Triple Crown, Inc. has relocated its facilities from the subject property; and

WHEREAS, the Common Council recognizes the need for zoning classifications to be consistent with existing and proposed areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

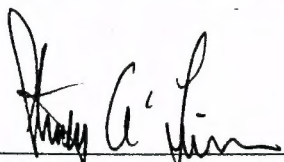
SECTION 1. That the Fort Wayne Common Council supports the rezoning of property that is clearly in the best interest of the community.

SECTION 2. That the Fort Wayne Common Council encourages the City of Fort Wayne Plan Commission to begin proceedings for the rezoning of the subject property, commonly known as 3216 Brooklyn Avenue to a non-industrial zoning classification.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO
FORM AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 8, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-94-04-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1994.

Certified and signed this
27th day of April 1994.



Carol Kettler Sharp
Secretary

AREA MAP

Map No. J-7
LW 3-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

FACT SHEET

Z-94-04-07

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment
From M-3 to M-1

DETAILS**Specific Location and/or Address**

3216 Brooklyn Avenue

Reason for Project

Downzoning to a more appropriate
classification for the area.

Discussion (Including relationship to other Council actions)

18 April 1994 - Public Hearing

See Attached Minutes of Meeting

25 April 1994 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council with
a DO PASS recommendation.

Of the six (6) members present, six (6)
voted in favor of the motion.

Motion Carried.

Members Present: Ernest Evans, James
Hoch, Thomas Quirk, Dave Ross, Mel Smith,
Vicky VerPlanck

Members Absent: Mark GiaQuinta, Charles
Layton, Carol Kettler Sharp

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Fort Wayne Common Council City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

POLICY / PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 March 1994

Projected Completion or Occupancy

Date 27 April 1994

Fact Sheet Prepared by

Patricia Biancaniello

Date 27 April 1994

Reviewed by

Date 2 May 1994

Reference or Case Number

- a. Bill No. Z-94-04-07 - Change of Zone #561
From M-3 to M-1
3216 Brooklyn Avenue

Pat Fahey, Senior Planner with the Department of Community & Economic Development appeared before the Commission. Mr. Fahey stated that in the late 1980's there were residents in the area of this site who expressed concern over a use that was adjacent to the property. He stated that there was a Triple Crown Truck Trailer railroad switching yard. He stated that the concerns raised were the noise, the truck and train traffic, the intensity of the use and the proximity of the use to existing residential uses. Those concerns led to a review of the area by the Fort Wayne Common Council and a review of the existing Zoning Ordinance provisions regarding that particular type of use. Several of the Plan Commission members may remember that it did lead to an amendment to the Zoning Ordinance, as far as that particular type of use. The review also eventually lead to City Council passing a Declaratory Resolution in June of 1993, asking the Plan Commission to begin proceedings for the rezoning of the property, the address given as 3216 Brooklyn Avenue. The staff at that time began a review of the overall area, looking at existing zoning and existing land uses. He stated that there are a number of other industrial classifications in the area. He stated that there is existing industrial zoning to the north of the site, east of the site and on the other side of the railroad right-of-way, which is the western boundary of the site. There is also several different commercial classifications, B3B south of the property, some B1B, several different commercial classifications and commercial uses in the vicinity of the property. He stated that there are also a number of residential classifications immediately south, R-1, and R-2 along with different institutional uses in the general vicinity. In looking at the overall area the planning staff shares the concern that the existing zoning on the site, which is M-3 - Heavy Industrial, might lead to future uses that might not be compatible with the existing residential uses immediately to the south. He stated that the property to the south is zoned R-2, but has been developed primarily single family. He stated that they also felt that there were reasons to continue to allow some type of industrial development on the site. He stated that there is existing industrial land use to the north and also industrial uses east of the property. He stated that planning staff for those reasons, recommends to the Commission that they consider a downzoning from M-3 Heavy Industrial to M-1 Light Industrial. He stated that the M-1 classification would permit a range of commercial uses as well as the uses permitted in the M-1 district and some of the uses permitted in the M-2 district. He stated that it would limit M-2 uses to 15,000 square feet in area. He stated that the M-1 district also permits residential use, which is not permitted by right in the M-3 district. He stated that staff feels that the zoning to M-1 would still allow for a variety of uses on the property, while providing additional compatibility with the adjacent residential uses, by removing some of the more intensive and larger industrial uses, which could locate on the site, and

have an adverse impact on the adjacent neighborhood. He stated that they would recommend that the Commission recommend this downzoning to City Council.

Dave Ross questioned if the intent was to continue the M-1 further to cover the northern section also, and eliminate the heavy industrial along the whole Brooklyn Avenue corridor. He questioned if not was this to be used as a buffer between the M-1 and the heavy industrial.

Pat Fahey stated that they were looking at it more as a buffer, as a transitional zoning district between the existing zoning to the north and the residential zoning to the south.

Evelyn Sellett the property owner of the property in question appeared before the Commission. She stated that she has no objection to the rezoning. She stated that she does however object to the way it was done and some of the information that she had obtained. She stated that Triple Crown did not previously occupy the property. She stated that Triple Crown did not at anytime occupy 3216 Brooklyn Avenue. There is an 85 foot strip of land along the tracks that was sold to the Wabash Railroad on November 23, 1946. She stated that she has no idea where they obtained the information that this property in question was occupied by Triple Crown, because it never was occupied by Triple Crown.

Pat Fahey stated that he would like to apologize to Mrs. Sellett. He stated that it was their intent to try and notify her prior to the placement of the sign but failed to do so. He stated that the error she referred to, that the property had been occupied at one time by Triple Crown, was an error in the resolution as passed by Council, so he could not speak to how that mistake was made.

There is no one else present who spoke in favor of or in opposition to the proposed rezoning.

#561

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3216 Brooklyn Avenue

2-94-04-07

EFFECT OF PASSAGE Property is currently zoned M-3 - Heavy

Industrial. Property will be zoned M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain zoned M-3 - Heavy

Industrial.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-94-04-07

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (XXXXXXXXXXXXX) amending the City of
Fort Wayne Zoning Map No. J-7

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. GiaQuinta
DD Schmidt
JJ Bradbury

DATED: 5-10-94

Sandra E. Kennedy
City Clerk